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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,278	03/29/2001	Dennis L. Montgomery	042503 0261929	7295

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EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,278

Applicant(s)

MONTGOMERY

Examiner

Paul Callahan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-155 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-155 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-155 are pending in this application.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-49 and 69-74, drawn to a method for producing a stream of digital data comprising the steps of; encrypting with an encryption key a portion of the data containing a decryption key capable of decrypting a subsequent portion encrypted with another encryption key, and transmitting the data, classified in class 380, subclass 203.
 - II. Claims 50-68, drawn to a method of transmitting data comprising the steps of; segmenting a stream of digital data; inserting into all but the last portion a decryption key useful to decrypt the subsequent segment; encrypting each segment with the encryption key corresponding to the plurality of decryption keys; and attaching a header to each portion identifying a decryption key corresponding to each segment and used to decrypt the segment, classified in 713 subclass 160.

- III. Claims 75-82, drawn to a method for communicating a stream of digital data comprising the steps of transmitting the stream of digital data within a plurality of portions, each portion being encrypted with a different encryption key, receiving a portion of the data, decrypting each portion of the data with a different decryption key, where each decryption key corresponds to a different one of the encryption keys, and with the decryption key being transmitted in the portion of the data preceding the one that it is used to decrypt, classified in class 380, subclass 203.

- IV. Claims 83-130, drawn to drawn to an apparatus for producing a stream of digital data comprising a means for; encrypting with an encryption key a portion of the data containing a decryption key capable of decrypting a subsequent portion encrypted with another encryption key, and transmitting the data, classified in class 713, subclass 200.

- V. Claims 131-155, drawn to a means of transmitting data comprising a means for; segmenting a stream of digital data; inserting into all but the last portion a decryption key useful to decrypt the subsequent segment; encrypting each segment with the encryption key corresponding to the plurality of decryption keys; and attaching a header to each portion identifying a decryption key corresponding to each segment and used to decrypt the segment, classified in 713 subclass 160.

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3. Inventions I, II, III, IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case: invention I has a separate utility as a method for protecting transmitted data by encrypting it together with the keys necessary for its decryption, with a separate utility, for example, as a method for protecting broadcast data in a pay-per-view distribution system, Invention II has separate utility as a means for protecting e-mail transmitted in a network where the protocol employs header data for encryption operations; invention III has a separate utility as a method for protecting data transmitted in encrypted form where a recipient such as a set-top-box will use the embedded decryption keys to sequentially decrypt the broadcast data; invention IV has a separate utility as a means for protecting data transmitted in a network, such as for example a secure server that broadcasts encrypted data together with the decryption keys needed to decrypt the data; and invention V which has a separate utility as, for example, a e-mail server utilizing an encryption protocol where the information necessary for decryption is contained in a header field. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

3/3/05

Paul Callahan

Andrew Caldwell

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**